

**GOVERNMENT OF INDIA
COAL
LOK SABHA**

UNSTARRED QUESTION NO:3465

ANSWERED ON:17.08.2005

ALLEGED TERMINATION OF SERVICE OF WORKERS

Dubey Shri Chandra Shekhar

Will the Minister of COAL be pleased to state:

(a) the reasons for the alleged termination of service of 214 permanent workers working since 1992 by the management of the Bharat Coking Coal Limited;

(b) whether there is any proposal to reinstate these employees;

(c) if so, by when; and

(d) if not, the reasons therefor?

Answer

THE MINISTER OF STATE FOR COAL AND MINES (Dr. DASARI NARAYANA RAO)

(a) : As informed by Coal India Limited, Loyabad Power Plant of Bihar State Electricity Board(BSEB) without legal transfer of its ownership was under the administrative control of BCCL between 1980 to 1992. In April, 1992 when the said power plant reverted to BSEB along with its plant, machinery, workers, etc., BSEB did not take back 214 casual workers. The regularization of casual workers was referred to the Central Government Industrial Tribunal (CGIT) at Dhanbad who gave the award for identification and regularization of casual workers two months before handing over the plant to BSEB by BCCL. BCCL filed a writ petition before the Hon'ble High court at Ranchi (CWJC No. 3486/93) challenging the award. These workers continued in employment of BCCL during pendency of the case and after judgment in the year 2002 by the Hon'ble High Court setting aside the award of the Tribunal their employment had been discontinued. The number of persons who have been affected is not 214 but only since the balance 37 workers have either died or left service.

(b), (c)& (d) : After a series of discussions, union and management agreed to resolve the dispute and a Memorandum of Settlement under Rule 58 of Industrial Disputes Act has been signed on 08.08.2005 between the union and management on the following terms:

It was agreed to refer the dispute to an Arbitrator, a retired judge of Hon'ble Supreme Court of India to arbitrate the issue as to whether the workmen who have been stopped from continuance on the roll of BCCL in the month of April, 2005 are related with the award passed by CGIT in Ref.No. 27/83 or not and the award should be final and binding on parties working with the BCCL.

During the period of arbitration the status-quo ante will be maintained and for this idle period no back wages will be paid. The workmen concerned will be allowed to resume duty for gainful utilization w.e.f. 9.8.2005.

The working of workers with BCCL is subject to the final outcome of arbitration proceedings and their rights and obligations will be governed by ultimate outcome before learned arbitrator.